

#30/Response

Application No.: 09/100,133
Attorney Docket No.: 23452-012

Lauran
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Douglas Walter CONMY *et al.*

SERIAL NUMBER: 09/100,133

EXAMINER: Susanna M. Meinecke Diaz

FILING DATE: June 19, 1998

ART UNIT: 3623

FOR: ELECTRONIC CALENDAR WITH GROUP SCHEDULING AND STORAGE OF
USER AND RESOURCE PROFILES

RECEIVED

Commissioner for Patents
Washington, D.C. 20231

APR 24 2003

GROUP 3600

**REMARKS ACCOMPANYING REQUEST FOR
CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114(d)**

Dear Examiner:

In response to the Office Action dated August 19, 2002, and the Notice of Appeal filed on February 19, 2003, Applicants submit the following remarks. These Remarks are filed after appeal but before a decision on the appeal.

This application has been carefully reviewed in light of the Office Action dated August 19, 2002. Claims 1-30 are currently pending. Claims 1, 5-7, 17, 26 and 30 are independent.

Claims 1-30 were rejected under either 35 U.S.C. §102 or §103 as being anticipated or obvious over Microsoft Outlook 97, as disclosed in the book, The ABCs of Outlook 97, the article "The Future is Bright for Microsoft Outlook 97," and the book entitled, Running Microsoft Outlook 97. The earliest publication date of these references is November 1, 1996 ("The Future is Bright for Microsoft Outlook 97").

Applicants' prior Response of July 10, 2002, with Declarations by the Applicants was deemed ineffective to remove the cited references as prior art. To that end, Applicants respectfully submit that the presently claimed invention was completed and reduced to

practice before the earliest publication date of these references (November 1, 1996), as evidenced by the enclosed Supplemental Declarations under 37 C.F.R. § 1.131 and supporting exhibits. *See* Supplemental Declaration of Steven Robert Beckhardt, Supplemental Declaration of John Banks-Binici, and Supplemental Declaration of Robert Slapikoff.

The present invention, as recited in claim 6 (an exemplary embodiment) is directed to a process for scheduling time intervals for a plurality of invitees and includes storing one or more invitee profiles for one or more potential invitees of the system in a database in communication with one or more servers. The one or more invitee profiles include user profiles where each user profile has information regarding available and unavailable times for that user and an electronic mail address for the user. The process also includes receiving a request for allocation of a time interval for the one or more potential invitees from a remote workstation over a network at the one or more servers, gathering the profiles for the one or more potential invitees that are available in the database, determining whether those one or more potential invitees are available during the time interval requested, inviting the one or more potential invitees to attend at the time interval requested by using the electronic mail address stored in the profile for those one or more potential invitees to send an invitation to the one or more potential invitees thereby making each of the one or more potential invitees an invitee and automatically updating the invitee's invitee profile based on the invitee's response to the invitation. Independent claims 1, 5-7, 17, 26 and 30 recite the same patentable features.

Accordingly, as the enclosed supporting Supplemental Declarations state, the present invention was conceived and reduced to practice before November 1, 1996, the earliest publication date of the relied upon references. The Supplemental Declarations discuss the functionality of the source code of the commercial embodiment of the present invention. For the Examiner's convenience, the below listed TABLE A lists the claim features discussed above for presently claimed invention for scheduling time intervals for a plurality of invitees and cites the related portions of the Supplemental Declarations which discuss how the source code supports the present invention.

TABLE A

storing one or more invitee profiles for one or more potential invitees of the system in a database in communication with one or more servers, the one or more invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user and an electronic mail address for the user;	Exhibit A and Part 11; source code nsf/schedule.c.
receiving a request for allocation of a time interval for the one or more potential invitees from a remote workstation over a network at the one or more servers;	Exhibit A and Part 11-13; source code nsf/schedule.c, client/clschret.c and server/scschret.c.
gathering the profiles for the one or more potential invitees that are available in the database;	Exhibit A and Part 14-16; source code nsf/schedule.c, nsf/schcntnr.c, nsf/schobj.c and nsf/schods.c.
determining whether those one or more potential invitees are available during the time interval requested; and	Exhibit A and Part 17; source code schui/bsysugg.cpp and misc/timelist.c.

inviting the one or more potential invitees to attend at the time interval requested by using the electronic mail address stored in the profile for those one or more potential invitees to send an invitation to the one or more potential invitees thereby making each of the one or more potential invitees an invitee; and	Exhibit A and Part 19.
automatically updating the invitee's invitee profile based on the invitee's response to the invitation.	Exhibit A and Part 10; source code nsf/schedule.c.

As Exhibit A of the Supplemental Declarations also indicate, the last modification date for all but three (3) of these files were prior to November 1, 1996. Thus, the invention was reduced to practice at least prior to November 1, 1996. Applicants submit that the three files which included modification dates after November 1, 1996 (November 12, 1996 and November 15, 1996) were only modified to correct software "bugs", and did not add or extend any of the existing functionality or capabilities of the invention (see Supplemental Declarations, Part 20).

Since the present invention was conceived of and reduced to practice before the earliest date of the relied upon references, Applicants respectfully request that the relied upon references be removed as prior art in the subject application. To that end, Applicants respectfully request that the §§ 102 and 103 rejections be withdrawn.